

Notice of Allowability

Application No.

10/055,747

Examiner

Sandra M. Nolan-Rayford

Applicant(s)

WANG ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the 29 March 2005 amendment and terminal disclaimer.
2. ☒ The allowed claim(s) is/are 17-27 and 29-36.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date all PTO1449's
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Cover page of 7-17-03 "IDS".

S. M. Nolan-Rayford
SANDRA NOLAN RAYFORD
PRIMARY EXAMINER

6-7-05

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowing claims 17-27 and 29-36:

2. The base claims are claims 17 and 29. They can be summarized as follows:

Claim 17 covers a method of making a medical balloon comprising the steps:

- preparing a polymer composition in melt form,
- extruding the composition to form tubing,
- and blowing a segment of the tubing to form a balloon without remelting the

composition,

wherein the step of preparing the composition in melt form comprises the steps:

- forming a melted reaction mixture comprising a terminally reactive polymer and a chain extender, and
- reacting the reaction mixture.

Claim 29 covers a method of making a medical device balloon comprising the steps:

- preparing a polymer composition in melt form, and
- forming at least a portion of the device from the polymer composition without remelting the composition,

wherein the step of preparing the composition in melt form comprises the steps:

- forming a melted reaction mixture comprising a terminally reactive polymer and a chain extender, and
- reacting the reaction mixture.

Examiner Comments:

a. Applicants' blowing/forming step takes place without a remelting step between the preparation of the molten polymer composition and the blowing/forming operation.

b. The processes paraphrased above give products having the performance reliability/predictability called for in medical devices.

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3. The prior art of record fails to teach or suggest methods that include all of the features of either claim 17 or claim 29.

Withdrawal of Rejection

4. The obviousness-type double patenting rejection has been withdrawn in view of the terminal disclaimer submitted on 29 March 2005. That disclaimer has been approved by a USPTO paralegal.

Applicants' Comments


5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication should be addressed to Sandra M. Nolan-Rayford, at telephone number 571/272-1495. She can be reached Monday through Thursday, from 6:30 am to 4:00 pm, ET.

If attempts to reach the examiner are unsuccessful, contact her supervisor, Harold Pyon, at 571/272-1498.

The fax number for patent application documents is 703/872-9306.


S. M. Nolan-Rayford
Primary Examiner
Technology Center 1700

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SANDRA NOLAN RAYFORD
PRIMARY EXAMINER